

REMARKS

Summary of the Office Action

Claims 25-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yao et al. (US, 2003/0100059).

Summary of Response to the Office Action

Claims 25 and 30 have been amended to further define the invention. Claims 16-20, 24, 32, 35, and 37 have been canceled previously without prejudice or disclaimer. Claims 1-15 and 21-23 have been previously withdrawn from consideration as being drawn to a non-elected invention. Accordingly, claims 25-31, 33, 34, 36, 38, and 39 are presently pending for consideration.

All Claims Define Allowable Subject Matter

Claims 25-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yao et al. Applicants respectfully traverse the rejection of claims at least for the following reasons.

With respect to independent claim 25, as amended, Applicants respectfully assert that Yao et al. does not teach or suggest at least the features of “specifying means” that detects first light emitted from the specimen that includes “noted region” where the cell(s) emitting the first light and cell(s) emitting no first light” are present, and the features of “selecting means” that detects second light emitted from the “noted region.” In contrast to the Applicants’ claimed invention, the Calcium fluorescence recording system of Yao et al. (Example 1) does not include the specifying means that specifies a noted region where cells having the protein and cells having no protein are present, and selecting means that detects the second light from these two types of cells (i.e., cells having protein and cells having no protein). However, the system of Yao et al.

the system of Yao et al. focuses on only the cells having the protein and detecting the second light emitted only from such cells. Accordingly, Applicants respectfully submit that Yao et al. does not teach or suggest every element of amended independent claims 25.

Moreover, Applicants respectfully submit that the inventions of claim 30 is distinguished over Yao et al. for reasons similar to those presented above with respect to independent claim 25, as amended. Accordingly, Applicants respectfully assert that Yao et al. fails to teach every element of amended independent claims 25 and 30, hence dependent claims 26-29 and 31, 33, 34, 36, 38, and 39. Thus, in light of the arguments presented above, Applicants respectfully request that the rejection of claims under 35 U.S.C. § 102(e) be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above,
such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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By: Mary Jane Boswell
Mary Jane Boswell
Reg. No. 33,652

Customer No. 009629
MORGAN, LEWIS & BOCKIUS
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202.739.3000
Fax: 202.739.3001